



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,731	11/11/2003	Michael Collier	005127.00307	5000
22910	7590	06/25/2007	EXAMINER	
BANNER & WITCOFF, LTD. 28 STATE STREET 28th FLOOR BOSTON, MA 02109-9601			LARSON, JUSTIN MATTHEW	
ART UNIT		PAPER NUMBER		
3782				
MAIL DATE		DELIVERY MODE		
06/25/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/705,731	COLLIER ET AL.	
Examiner	Art Unit		
Justin M. Larson	3782		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 30 May 2007.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-4,6-9,11-15 and 17-29 is/are pending in the application.
4a) Of the above claim(s) 7,8,19-21,24 and 26 is/are withdrawn from consideration.

5) Claim(s) 1-4,6,9,11-15,17,18,22 and 23 is/are allowed.

6) Claim(s) 25,27 and 28 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application
6) Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/30/07 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 25 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Sebastian (US 5,728,055 A).

Regarding claim 25, Sebastian discloses a bladder (Figure 2) comprising, in combination, at least one longitudinal chamber (27) and a plurality of transverse chambers (14), each transverse chamber being connected at a first end thereof to at least one longitudinal chamber, being in fluid communication with the at least one longitudinal chamber and each other transverse chamber, and having a longitudinal axis extending substantially parallel to the longitudinal axis of the other transverse chambers and at an acute angle with respect to a longitudinal axis of the bladder, and a plurality of

Art Unit: 3782

gaps (spaces where seal lines 20 exist) being disposed between adjacent transverse chambers serving to space the chambers from one another and having a longitudinal axis parallel to the transverse chambers. The initial statement of intended use and all other functional implications have been carefully considered but are deemed not to impose any patentably distinguishing structure over that disclosed by Sebastian which is capable of being used in the intended manner, i.e., the bladder being used with a strap to carry a load. There is no structure in Sebastian that would prohibit such functional intended use (see MPEP 2111).

Regarding claim 27, Sebastian's bladder further includes a belt (52) attached thereto, where the belt is tightened about a user and causes the bladder to twist or bend around the user's body. Examiner is considering the belt of Sebastian to be equivalent to the claimed means since it provides a twist in the bladder.

4. Claim 28 is rejected under 35 U.S.C. 102(b) as being anticipated by Pritchard et al. (US 3,883,053 A).

Pritchard discloses a bladder (10) for use with a strap (12) to carry a load comprising, in combination a first longitudinal chamber (chamber 42 running the length of the bladder), a second longitudinal chamber (other 42) spaced apart from the first longitudinal chamber, a plurality of transverse chambers (22), each transverse chamber being connected at a first end thereof to the first longitudinal chamber and at a second end thereof to the second longitudinal chamber, and in fluid communication with the first and second longitudinal chambers, and a plurality of elongate transverse apertures (the

material around channel 42 forms an aperture in each transverse chamber 22, see Figure 6), each transverse aperture disposed between adjacent transverse chambers.

Allowable Subject Matter

5. Claims 1-4, 6, 9, 11-15, 17, 18, 22, and 23 are allowed.

Response to Arguments

6. Applicant has asserted that Sebastian fails to disclose a plurality of gaps disposed between adjacent transverse chambers. Examiner is of the position that there are gaps or spaces between the transverse chambers. The gaps are formed by seal lines (20) that space the chambers from one another. Examiner is of the position that a gap does not necessarily have to be an absence of material, so long as the material occupying the gap's space serves to separate two regions of matter.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gordon discloses a series of bladders having various apertures/gaps/chambers therein.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin M. Larson whose telephone number is (571) 272-8649. The examiner can normally be reached on Monday - Thursday, 7am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J. Newhouse can be reached on (571) 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JML
6/18/07


NATHAN J. NEWHOUSE
SUPERVISORY PATENT EXAMINER